



Atty. Dkt. No. 036481-0112

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Joel R. HAYNES *et al.*

Title: NUCLEUC ACID  
IMMUNIZATION

Appl. No.: 09/846,091

Filing Date: 4/30/2001

Examiner: Laurie A. Scheiner

Art Unit: 1648

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed October 3, 2003, Applicants hereby provisionally elects Group 1 (claims 1-17 and 21-23), drawn to a polynucleotide vaccine for examination. Applicants also elect "SEQ ID NO. 1" as the species recited in claims 4 and 44. The Examiner had required restriction between Group I and Group II (claims 26, 28-29, 33-45, 47, 49, and 50), drawn to a method of inducing an immune response using a polynucleotide vaccine; and an election of species recited in claims 4 and 44.

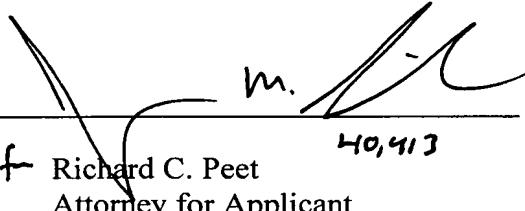
Claims 1-17, 21-23, 26, 28-29, 33-45, 47, and 49-50 are currently pending. Claims 18-20, 24, 25, 27, 30-32, 46, and 48 were canceled in Applicants paper dated March 7, 2003.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 19-0741. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Date 9 June 2001

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

By   
f Richard C. Peet  
Attorney for Applicant  
Registration No. 35,792  
40,413